

ENTERED

May 31, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

IN RE DELOACH MARINE SERVICES, LLC	§	ADMIRALTY RULE 9(H)
AS OWNER AND/OR OWNER PRO HAC	§	
VICE OF THE M/V TREY DELOACH,	§	
PRAYING FOR EXONERATION FROM OR	§	CIVIL ACTION NO. 3:18-CV-00142
LIMITATION OF LIABILITY	§	

**ORDER APPROVING PETITIONER'S AFFIDAVIT OF VALUATION AND
AD INTERIM STIPULATION AND DIRECTING ISSUANCE OF NOTICE TO
CLAIMANTS AND RESTRAINING PROSECUTION OF CLAIMS**

COMPLAINT having been filed herein on the 10th day of May, 2018, by Petitioner, DELOACH MARINE SERVICES, LLC, as owner and/or owner *pro hac vice* and/or operator of the M/V TREY DELOACH, (the "Vessel") her engines, gear, tackle, etc., for the sole purpose of seeking exoneration from and/or limitation of liability, civil and maritime, under Rule 9(h) of the Federal Rules of Civil Procedure, 46 U.S.C. 30501, *et seq.*, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims for any loss, damage, injury or otherwise allegedly caused by or resulting from the voyage of the M/V TREY DELOACH on or about June 11, 2017, while operating in its course and scope of its navigational duties, allegedly struck the recreational vessel, as more fully described in the Complaint and Petition, and Petitioner having filed a Motion to Deposit \$1000.00 into the Registry of the Court in lieu of a bond for costs, and Petitioner having filed an Affidavit of Value of the said vessel and Pending Freight, an *Ad Interim* Stipulation and approved security therefore, all as required by the rules of this Court and the law;

NOW, THEREFORE, upon motion of Preis PLC, attorneys for Petitioner:

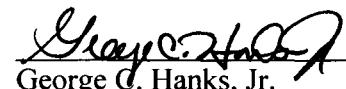
1. IT IS ORDERED that the funds in the sum of \$1000.00 will be deposited into the Registry of the Court by the 6th day of June, 2018, by Petitioner, and will be accepted and approved as to quantum and form; and
2. IT IS FURTHER ORDERED that the Affidavit of Value, Ad Interim Stipulation, and Letter of Undertaking for the value of Petitioner's interest in the M/V TREY DELOACH, and the pending freight and/or charter hire in the Principal amount of US \$625,000.00 with interest thereon at a rate of 6% per annum from the date thereof, executed by Petitioner as principal, and by Trident Marine Managers, Inc., on behalf of Protection and Indemnity Underwriters, Underwriters at Lloyd's London, and filed herein by Petitioner, be accepted as a stipulation for value for the purpose of the limitation proceeding and that it be approved as to form, quantum and surety; and
3. IT IS FURTHER ORDERED that Petitioner and any claimants who may properly become a party hereto may contest the amount or value of Petitioner's interest in the M/V TREY DELOACH and the pending freight and/or charter hire, and may move the Court for due appraisal of said interest and may apply to have the amount increased or diminished, as the case may be, or the determination of the Court of the amount or value of said interest; and
4. IT IS FURTHER ORDERED that a notice shall be issued out of and under the seal of this Court to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk of Court, in writing, and to serve on the

aforementioned attorneys for the Petitioner a copy thereof on or before the 23rd day of July, 2018, or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, he shall file and serve on attorneys for Petitioner an Answer to the Complaint on or before the said date unless his claim has included an answer to the Complaint so designated, or be defaulted; and

5. IT IS FURTHER ORDERED that the aforesaid Notice shall be published in the form required by Supplemental Rule F of the Federal Rules of Civil Procedure and Local Admiralty Rule 64.5 once per week for four successive weeks prior to the date fixed for the filing of claims in a newspaper of general circulation published in the City of Galveston, State of Texas, and copies of the Notice shall also be mailed in accordance with Rule F and Local Admiralty Rule 64.5; and
6. IT IS FURTHER ORDERED that the commencement and/or further prosecution of any action or proceeding against the Petitioner, the M/V TREY DELOACH or any of Petitioner's property with respect to any claim for which Petitioner seeks exoneration from or limitation of liability, including any claim arising out of or connected in any way with any loss, damage, death, injury or destruction resulting from the casualty, alleged incident and/or accident described in the Complaint and Petition be, and the same is, hereby stayed and restrained, and all prior orders, rulings or decrees issued in conjunction with any heretofore filed libels or claims be stayed and restrained until the hearing and determination of this proceeding; and,

7. IT IS FURTHER ORDERED that Petitioner may make service of this Order as a restraining order through the United States Post Office by mailing a conformed copy thereof to the person or persons to be restrained, or their respective attorneys, or alternatively, by hand delivery.

Signed this 30th day of May, 2018.


George C. Hanks, Jr.
United States District Judge